

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

HOWARD GOBER

PLAINTIFF

VS.

CIVIL ACTION NO. 3:06CV299LS

CHASE BANK

DEFENDANT

ORDER

This matter came before the court on two Motions filed by the *pro se* Plaintiff – a Motion for Extension of Time to Effect Service on Chase and a Motion for Formal Service of Defendant Chase. The first Motion will be granted. The Plaintiff is not specific in his request for additional time; however, the court will grant him another thirty days. With regard to the second Motion, the relief sought by the Plaintiff is unclear. He asks that the court direct him to hire a process server; he also appears to request an Order requiring Chase’s attorney in a state court case to accept service of process in this case. If the Plaintiff wishes to hire a private process server, he may do so without the court’s direction. Chase’s attorney in another suit is not required to accept service of process in this action. Fed. R. Civ. P. 5 applies, by its terms, **only** to pleadings that are submitted subsequent to the Complaint, and those pleadings may be served on counsel of record. Prior to the service of the Complaint, however, there is no counsel of record for the Defendant, because the Defendant has not appeared. For all of these reasons, the second Motion will be denied.

IT IS, THEREFORE, ORDERED, as follows:

1. The Plaintiff’s Motion for Extension of Time to Effect Service on Chase is hereby **granted**, and the Plaintiff has until November 5, 2006, within which to serve Chase Bank.

2. The Plaintiff's Motion for Formal Service of Defendant Chase is hereby **denied**.

IT IS SO ORDERED, this the 5th day of October, 2006.

S/James C. Sumner
UNITED STATES MAGISTRATE JUDGE